

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**ROBERT WADE,**

**Petitioner,**

**v.**

**BERNARD F. BRADY, ET AL.**

**Respondents.**

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**Civil Action No. 04-12135- NG**

**RESPONDENTS' ASSENTED TO MOTION FOR AN ENLARGEMENT OF TIME  
WITHIN WHICH TO FILE OPPOSITION TO PETITIONER'S MOTION FOR  
SUMMARY JUDGMENT**

The Respondents, Bernard F. Brady, Timothy J. Cruz, and Martha Coakley, (the "Respondents") hereby respectfully move this Court to enlarge until April 22, 2008, the time within which they must file an opposition to the motion for summary judgment filed by Petitioner Robert Wade (the "Petitioner"). The current deadline is April 1, 2008. In support of this Motion, the Respondents state as follows:

1. This action involves serious allegations, as well as complex and unusual issues of law, fact, and procedure. Additionally, the record of the state-court proceedings underlying this action is voluminous.
2. The undersigned counsel assumed primary responsibility for representing the Respondents in this action in mid-January 2008 and previously had no prior familiarity with it.
3. The undersigned counsel also maintains a sizable caseload. In particular, within the past six weeks, he has filed a motion to dismiss a federal habeas corpus action, two sets of objections to reports and recommendations in connection with other federal habeas corpus

actions, an appellate brief to the Massachusetts Appeals Court, an application for direct appellate review to the Massachusetts Supreme Judicial Court, and two motions to dismiss state administrative appeals. He also devoted attention to a complex grand jury investigation and spent time out of town for work. Additionally, the more immediate tasks for which he is now responsible include preparing for an upcoming argument in the Massachusetts Supreme Judicial Court, preparing a brief to the United States Court of Appeals for the First Circuit in connection with a habeas corpus action, filing a motion to dismiss another federal habeas corpus action, and performing various tasks in connection with the aforementioned grand jury investigation. He also expects to be out of town observing a holiday with family within the next three weeks.

4. As a result of the factors discussed above, the undersigned counsel has found it impossible to make sufficient progress on the preparation of the Respondents' opposition to enable him to meet the current deadline.

5. Affording the Respondents an enlargement of time would provide them with the opportunity to present the most thorough analysis and arguments possible. It would thus enable them to be of greatest assistance to this Court and its resolution of the significant issues presented herein.

6. Allowance of the instant Motion will further the interests of justice and not prejudice any party.

7. Counsel for the Petitioner has graciously assented to the instant Motion.

**WHEREFORE**, the Respondents request that this Honorable Court enlarge until April 22, 2008, the time within which they must file an opposition to the Petitioner's motion for summary judgment.

Respectfully submitted,

BERNARD F. BRADY,  
TIMOTHY J. CRUZ, and  
MARTHA COAKLEY,

by their counsel,

MARTHA COAKLEY  
Attorney General

/s/ Randall E. Ravitz  
Randall E. Ravitz (BBO # 643381)  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200, ext. 2852

Dated: April 1, 2008

**CERTIFICATE OF COMPLIANCE PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I conferred in good faith with opposing counsel concerning the subject of the instant Motion, and opposing counsel assented to the Motion.

Dated: April 1, 2008

/s/ Randall E. Ravitz  
Randall E. Ravitz

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

Dated: April 1, 2008

/s/ Randall E. Ravitz  
Randall E. Ravitz